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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/24/2003

Ravi Raj

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11/23/2010

Yahoo! Inc.

c/o Frommer Lawrence & Haug LLP

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EXAMINER

BOVEJA, NAMRATA

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

11/23/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,268	<b>Applicant(s)</b> RAJ ET AL.	
	<b>Examiner</b> NAMRATA BOVEJA	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/24/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is in response to the communication filed on 09/01/2010.
2. Claims 1-30 are presented for examination.

#### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9, 11-18, 20-28, and 30, are rejected under U.S.C. 103(a) as being unpatentable over Singh et al. (Patent Number 7,231,358 hereinafter Singh) in view of Davis et al. (Patent Number 6,269,361 hereinafter Davis) and further in view of the Internet Archives Way Back Machine printout of the [www.gotoast.com/pdf/GTpapershoes.asp](http://www.gotoast.com/pdf/GTpapershoes.asp) website from August 16, 2003 (hereinafter Go Toast).

In reference to claims 1, 23, and 30, Singh teaches an apparatus, a computer readable storage medium, and a method implemented on at least one network device, for placing predetermined content in a result from a sponsored search, comprising: providing at least a budget and a time interval for placing at least one bid on a keyword, wherein the at least one bid is associated with the predetermined content, and wherein the predetermined content corresponds to the keyword (col. 2 lines 52-60, col. 3 lines 22-44, and col. 6 lines 21-48); selecting at least one predetermined method for placing

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the at least one bid for the keyword in the result from the sponsored search, wherein the at least one selected method is enabled to optimize a plurality of separate bids for corresponding keywords, and wherein the optimization is based on an estimated number of clicks on content in the result from the sponsored search, and wherein the provided budget is available for use with the at least one selected method (col. 4 lines 53-67 and col. 6 lines 1 to col. 15 lines 30) (*Note: the underlined portion of the claim is not being given any weight, since it is non-functional descriptive material. Whether and how the selected method is enabled to optimize bids does not further limit the step of selecting the method for placing a bid. Also, whether a budget is provided for use with a selected method does not further limit the step of actually selecting the method for placing a bid.*); automatically placing the at least one bid on the keyword based on the at least one selected method and the provided budget, wherein automatically placing the at least one bid includes implementing the at least one selected method that optimizes the plurality of separate bids, and wherein the optimized plurality of separate bids includes the at least one placed bid (col. 4 lines 53-67 and col. 6 lines 1 to col. 15 lines 30).

Singh does not specifically teach displaying the predetermined content that is associated with the at least one placed bid, and wherein the at least one placed bid is the at least one bid for the keyword, and wherein the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search. (*Note: the underlined portion of the claim is not being given any weight, since it is non-functional descriptive material. How the value of*

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*the placed bid is employed to acquire placement does not further limit the step of displaying the predetermined content associated with the placed bid).* Davis teaches displaying the predetermined content that is associated with the at least one placed bid, wherein the at least one placed bid is the at least one bid for the keyword, and wherein the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search (col. 5 lines 4-52, col. 6 lines 16-24, and Figures 7 and 9). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include displaying the predetermined content that is associated with the at least one placed bid, and wherein the at least one placed bid is the at least one bid for the keyword, and wherein the at least one placed bid is at least one bid whose value is employed to acquire placement of the predetermined content in the result from the sponsored search to ensure that the winning advertisers information is indeed displayed to the user when a user searches for a keyword associated with the advertiser's listing.

Singh does not specifically teach at least one predetermined method dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval, and the at least one predetermined method optimizing a plurality of separate bids for each sub-budget and corresponding time interval. (Note: the underlined portion of the claim is not being given any weight, since it is non-functional descriptive material. Whether a predetermined method is used to divide the budget into sub-budgets does not further limit the step of selecting the method for placing a bid. Also, whether the selected method optimizes a plurality of bids does not further limit the

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*step of actually selecting the method for placing a bid.)* Go Toast teaches at least one predetermined method dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval (i.e. a separate budget for nighttime hours and daytime hours), and the at least one predetermined method optimizing a plurality of separate bids for each sub-budget and corresponding time interval (page 1). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include at least one predetermined method dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval, and the at least one predetermined method optimizing a plurality of separate bids for each sub-budget and corresponding time interval to reduce advertiser's expenses and increase the advertiser's profitability by allowing the advertisers to reach an increased number of qualified buyers.

4. In reference to claims 2 and 24, Singh does not specifically teach the method and program wherein acquiring of the placement of the predetermined content further comprises ranking of the predetermined content based in part on the value of each bid. Davis teaches the method and program wherein acquiring of the placement of the predetermined content further comprises ranking of the predetermined content based in part on the value of each bid (col. 13 lines 10-25, col. 19 lines 8-58, and Figure 9). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include in acquiring of the placement of the predetermined content ranking of the predetermined content based in part on the value

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of each bid to ensure that the winning advertisers information is indeed displayed to the user when a user searches for a keyword associated with the advertiser's listing.

5. In reference to claims 3, 14, and 25, Singh teaches the method and program wherein placing the at least one bid further comprises at least one of placing a bid to acquire the placement of predetermined content in at least one of a lower position in the result of the sponsored search, and placing a bid to acquire the placement of predetermined content in at least one of a first three positions in the result of the sponsored search (col. 14 lines 44 to col. 15 lines 30).

6. In reference to claims 4, 5, 15, 26, and 27, Singh teaches the method and program wherein the at least one selected method includes optimization of the plurality of separate bids based on a cost per acquisition (CPA) method, comprising at least one of minimum cost for maximum acquisitions (col. 7 lines 27-40 and col. 11 lines 48-50). (Note: claims 5 and 27 were not considered, since the first option of minimum cost for maximum acquisitions was selected in claims 4 and 26).

7. In reference to claim 6, Singh does not teach the method wherein at least one selected method is adds an unused portion of the budget for a time interval to another time interval. Davis teaches the method wherein at least one selected method is adds an unused portion of the budget for a time interval to another time interval It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include the option of adding an unused portion of the budget for a time interval to another time interval to enable the advertiser to reallocate funds instead of having to issue the advertiser a refund for the unused amount.

8. In reference to claims 7, 16, and 28, Singh does not specifically teach the method and program wherein the keyword further comprises at least one of a provided keyword, and a generated keyword that is related to the provided keyword and is added to the at least one keyword. Davis teaches the method and program wherein the keyword further comprises at least one of a provided keyword (i.e. advertiser provides the keyword) (col. 5 lines 18-34), and a generated keyword that is related to the provided keyword and is added to the at least one keyword (i.e. system generates synonyms for the advertiser provided keyword and these can be added to the keywords selected by the advertiser) (col. 20 lines 46-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include the keyword further comprising at least one of a provided keyword, and a generated keyword that is related to the provided keyword and is added to the at least one keyword to suggest and enable to the advertiser to add additional keywords on which the advertiser may want to bid on.

9. In reference to claims 8 and 9, Singh teaches the method further comprising providing information that is employed by the at least one selected method to place the at least one bid, wherein the provided information further includes start time col. 6 lines 23-36), stop time (col. 6 lines 23-36), and relevant keywords (col. 10 lines 53-57) (Note: claim 9 was not considered, since the first option of position in ranked list of sponsored search result was selected in claim 8).

10. In reference to claims 11 and 12, Singh does not specifically teach the method further comprising: determining multiple versions of predetermined content that



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corresponds to the keyword; alternating between each version of predetermined content placed in the result for the sponsored search; determining a number of clicks associated with each of the multiple versions of predetermined content. Davis teaches the method further comprising: determining multiple versions of predetermined content that corresponds to the keyword (col. 17 lines 53 to col. 18 lines 36 and Figure 7); alternating between each version of predetermined content placed in the result for the sponsored search (i.e. higher ranked listings are displayed first and the ranks can change in real time based on a bid amount) (col. 17 lines 53 to col. 18 lines 36 and Figure 7); determining a number of clicks associated with each of the multiple versions of predetermined content (i.e. recording click throughs) (col. 17 lines 63 to col. 18 lines 3). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include determining multiple versions of predetermined content that corresponds to the keyword; alternating between each version of predetermined content placed in the result for the sponsored search; determining a number of clicks associated with each of the multiple versions of predetermined content to ensure that users are provided with the version of the content that is of most interest to the users.

Singh also does not specifically teach selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed to select a version of predetermined content for a subsequent result in the sponsored search and is based on a weighting factor. Mason teaches selecting a version of predetermined content that is associated

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with a maximum number of clicks, wherein the selected version of predetermined content is employed to select a version of predetermined content for a subsequent result in the sponsored search and is based on a weighting factor (col. 6 lines 36-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include selecting a version of predetermined content that is associated with a maximum number of clicks, wherein the selected version of predetermined content is employed to select a version of predetermined content for a subsequent result and is based on a weighting factor in the sponsored search to ensure that users are provided with the most relevant results that may or may not be the highest paid results.

11. In reference to claim 13, Singh teaches a method for managing an advertising campaign for a sponsored search, comprising: providing at least one keyword (col. 6 lines 21-60). Singh does not specifically teach providing advertising text wherein each bid for each keyword is employed by the sponsored search to rank placement of advertising text at a position on a displayed list that is generated by the sponsored search in response to a request for at least one provided keyword (*Note: the underlined portion of the claim is not being given any weight, since it is non-functional descriptive material. Whether a bid is employed to rank the placement of the advertising text does not further limit the step of providing a keyword, advertising text, and a number of total clicks.*). Davis teaches providing advertising text (col. 19 lines 59 to col. 20 lines 5) wherein each bid for each keyword is employed by the sponsored search to rank placement of advertising text at a position on a displayed list that is generated by the

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sponsored search in response to a request for at least one provided keyword (col. 17 lines 53 to col. 18 lines 36 and Figure 7). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include providing advertising text wherein each bid for each keyword is employed by the sponsored search to rank placement of advertising text at a position on a displayed list that is generated by the sponsored search in response to a request for at least one provided keyword to enable the user to view the content provided by the highest paying advertiser first.

Singh teaches a method for providing a budget for automatically generating the at least one bid for each provided keyword of the at least one keyword over the period of time, wherein at least one bid for each provided keyword is dependent on at least the provided budget and the desired number of total clicks for the at least one provided keyword (col. 6 lines 1 to col. 15 lines 30) (*Note: the underlined portion of the claim is not being given any weight, since it is non-functional descriptive material. Whether a bid is dependent on the budget and clicks desired does not further limit the step of providing a budget for generating a bid.*); selecting at least one method for placing each at least one bid for each provided keyword of the at least one keyword over the period of time, wherein the at least one selected method is enabled to optimizes a plurality of separate bids for each provided keyword, and wherein the optimization is based on the provided budget and an estimated number of clicks on content in the result from the sponsored search (col. 6 lines 1 to col. 15 lines 30) (*Note: the underlined portion of the claim is not being given any weight, since it is non-functional descriptive material.*

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*Whether and how the selected method is enabled to optimize bids does not further limit the step of selecting the method for placing a bid. Also, whether a budget is provided for use with a selected method does not further limit the step of actually selecting the method for placing a bid.); and in response to a request for at least one provided keyword of the at least one keyword, employing the at least one selected method to automatically generate the at least one bid for the at least one requested keyword for placement of the provided advertising text on the displayed list, wherein employing the at least one selected method includes optimizing optimizes the plurality, of separate bids based on the provided budget and the estimated number of clicks, and wherein the optimized plurality of separate bids includes including the at least one generated bid (col. 6 lines 1 to col. 15 lines 30).*

Singh does not specifically teach at least one method of dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval, and the at least one method optimizing a plurality of separate bids for each sub-budget and corresponding time interval. (Note: the underlined portion of the claim is not being given any weight, since it is non-functional descriptive material. Whether a predetermined method is used to divide the budget into sub-budgets does not further limit the step of selecting the method for placing a bid. Also, whether the selected method optimizes a plurality of bids does not further limit the step of actually selecting the method for placing a bid.) Go Toast teaches at least one method dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval (i.e. a separate budget for nighttime hours and daytime hours),

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and the at least one method optimizing a plurality of separate bids for each sub-budget and corresponding time interval (page 1). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include at least one method dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval, and the at least one method optimizing a plurality of separate bids for each sub-budget and corresponding time interval to reduce advertiser's expenses and increase the advertiser's profitability by allowing the advertisers to reach an increased number of qualified buyers.

12. In reference to claim 17, Singh teaches a server for placing advertiser data in a result from a sponsored search, comprising: a memory for storing logical instructions (col. 16 lines 66 to col. 17 lines 8); a transceiver for communicating over a network (Figure 1), including receiving advertiser data (Figure 9), and a processor for executing the logical instructions stored in the memory, the logical instructions, when executed, causing actions to be performed, including (col. 16 lines 66 to col. 17 lines 8): receiving at least a budget to be provided for placing at least one bid on a keyword, wherein the at least one bid is associated with advertiser data that corresponds to the keyword (col. 6 lines 1 to col. 15 lines 30); receiving a selection of at least one method performed by the server for placing the at least one bid for the keyword in the result from the sponsored search, wherein the at least one selected method is enabled to optimize a plurality of separate bids for corresponding keywords, and wherein the optimization is based on an estimated number of clicks on data in the result from the sponsored search (col. 6 lines 1 to col. 15 lines 30) (*Note: the underlined portion of the claim is not being*

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*given any weight, since it is non-functional descriptive material. Whether and how the selected method is enabled to optimize bids does not further limit the step of selecting the method for placing a bid. Also, whether a budget is provided for use with a selected method does not further limit the step of actually selecting the method for placing a bid.);* automatically determining placement of the at least one bid for the keyword based on the at least one selected method and the received budget, wherein automatically determining placement of the at least one bid includes implementing the at least one selected method that optimizes the plurality of separate bids including the at least one bid (col. 6 lines 1 to col. 15 lines 30).

Singh does not specifically teach displaying advertiser data that is associated with at least one bid for the keyword and whose value is employed to acquire placement of the advertiser data in the result from the sponsored search. Davis teaches displaying advertiser data that is associated with at least one bid for the keyword and whose value is employed to acquire placement of the advertiser data in the result from the sponsored search (col. 5 lines 4-52, col. 6 lines 16-24, and Figures 7 and 9). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include displaying advertiser data that is associated with at least one bid for the keyword and whose value is employed to acquire placement of the advertiser data in the result from the sponsored search to ensure that the winning advertisers information is indeed displayed to the user when a user searches for a keyword associated with the advertiser's listing.

Singh does not specifically teach at least one method of dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval, and the at least one method optimizing a plurality of separate bids for each sub-budget and corresponding time interval. *(Note: the underlined portion of the claim is not being given any weight, since it is non-functional descriptive material. Whether a predetermined method is used to divide the budget into sub-budgets does not further limit the step of selecting the method for placing a bid. Also, whether the selected method optimizes a plurality of bids does not further limit the step of actually selecting the method for placing a bid.)* Go Toast teaches at least one method dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval (i.e. a separate budget for nighttime hours and daytime hours), and the at least one method optimizing a plurality of separate bids for each sub-budget and corresponding time interval (page 1). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include at least one method dividing the budget into a plurality of sub-budgets for corresponding time intervals across the provided time interval, and the at least one method optimizing a plurality of separate bids for each sub-budget and corresponding time interval to reduce advertiser's expenses and increase the advertiser's profitability by allowing the advertisers to reach an increased number of qualified buyers.

13. In reference to claim 18, Singh teaches the server wherein the advertiser data further comprises of a time interval (col. 6 lines 21-47). *(Note: The underlined portion of the claim is non-functional descriptive material that is not being given weight.*

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*Specifically, the type of information that is included in advertiser data does not further limit the server. The server that is used to send one type of advertiser data versus another type of advertiser data does not change with what are the contents of that advertiser data as underlined here for clarification. Again, the server is for sending advertiser data, but the type of information that is included in the advertiser data is just non-functional descriptive material that is not being given patentable weight, since no additional server is required to send one type of advertiser data versus another type of advertiser data. The server for sending advertiser data does not change whether one or another type of advertiser data is sent.)*

14. In reference to claim 20, Singh teaches the server, wherein the at least one selected method performed by the server includes optimization of the plurality of separate bids based on a cost per acquisition (CPA) method, comprising at least one of minimum cost for maximum acquisitions (col. 7 lines 27-40 and col. 11 lines 48-50).

15. In reference to claim 21, Singh teaches the server further comprising a user interface application configured to receive the advertiser data (Figures 1-6 and 9).

16. In reference to claim 22, Singh teaches the server wherein the user interface application further comprises a graphical interface displayable at a client (Figures 1-6 and 9), the graphical interface further comprises: an entry box configured to receive at least one of the budget (Figure 9), desired number of clicks, time zone, start time, stop time, number of clicks per day, position, relevant keywords (Figures 2, 5, and 7), advertising headline, advertising copy, and a URL; and a control means for enabling, an



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optimization of the received advertiser data, and the determination of the method (col. 4 lines 53-67 and col. 6 lines 1 to col. 15 lines 30).

Singh does not specifically teach the server wherein the control means enable for the generation of additional keywords. Davis teaches the server wherein the control means enable for the generation of additional keywords (i.e. system generates synonyms for the advertiser provided keyword) (col. 20 lines 46-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include control means to enable for the generation of additional keywords to suggest to the advertiser additional keywords on which the advertiser may want to consider bidding.

17. Claims 10 and 29 are rejected under U.S.C. 103(a) as being unpatentable over Singh in view of Davis, further in view of Go Toast, and further in view of McGregor (Publication Number US 2002/0026360 A1 hereinafter McGregor).

In reference to claims 10 and 29, Singh does not teach the method and computer readable storage medium further comprising providing a profile that is employed to provide at least one of the keyword, the budget, and selection of the at least one method for bidding on the keyword.

McGregor teaches the method and program further comprising providing a profile that is employed to provide at least one of the keyword (i.e. profile comprises of and yields keywords) (page 6 paragraphs 59-61). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include providing a profile that is employed to provide at least one of the keyword to provide an

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additional method of generating keywords for advertisers who may not want to specify keywords on their own.

18. Claim 19 is rejected under U.S.C. 103(a) as being unpatentable over Singh in view of Davis, further in view of Go Toast, and further in view of Mason et al. (Patent Number 6,401,075 hereinafter Mason).

In reference to claim 19, Singh does not teach providing multiple versions of an advertisement. Mason teaches providing multiple versions of an advertisement (col. 4 lines 54 to col. 5 lines 3 and col. 6 lines 33-65). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Singh to include providing multiple versions of an advertisement to enable the advertisers to determine which advertisements are the most effective. *(Note: The underlined portion of the claim is non-functional descriptive material that is not being given weight.*

*Specifically, the type of information that is included in advertiser data does not further limit the server. The server that is used to send one type of advertiser data versus another type of advertiser data does not change with what are the contents of that advertiser data as underlined here for clarification. Again, the server is for sending advertiser data, but the type of information that is included in the advertiser data is just non-functional descriptive material that is not being given patentable weight, since no additional server is required to send one type of advertiser data versus another type of advertiser data. The server for sending advertiser data does not change whether one or another type of advertiser data is sent.)*

**Response to Arguments**

19. After careful review of Applicant's remarks/arguments filed on 09/01/2010, the Examiner fully considered the arguments, but they are not persuasive.

20. Regarding claim 1, Applicant argues that Singh and Go Toast do not teach dividing a budget into a plurality of sub-budgets for corresponding time intervals. The Examiner respectfully disagrees, since Singh on its own teaches sub-budgets for corresponding time intervals (col. 6 lines 1-50). Also, Go Toast also teaches sub-budgets for corresponding time intervals, since it teaches adjusting bids for nighttime and daytime hours and managing accounts (i.e. funds/budget) for different time intervals (pages 1 and 2). Furthermore, as the Examiner pointed out to the Applicant in the interview on October 28, 2010, the Examiner does not even have to give this limitation any weight, since it is non-functional descriptive material as has been explained in the Office Action above. Examiner has already suggested to the Applicant to recite limitations as active steps that are being performed instead of using the wherein clauses that are not further limiting the active step. The same issue can be seen in claims 13, 17, 23, and 30 in addition to claim 1, and the non-functional components have been highlighted in the Office Action above to aide the Applicant in the prosecution process.

21. While the Examiner has removed the 35 U.S.C. 101 rejection that was previously made in reference to claims 18 and 19, the claims still contain non-functional descriptive as explained in the previous Office Action and reiterated in the rejection above, and therefore the Examiner does not have to give them weight.

**Conclusion**

22. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Primary Examiner, Art Unit 3622